

REMARKS

Claims 1 and 29 have been amended to recite a sequence identity of at least 90%. Support for this can be found in the specification on page 11 at line 19 and elsewhere in the specification. Thus, no new matter has been added.

Claims 1, 20-24, 26, 27 and 29-33 were rejected under 35 USC §112, first paragraph, as lacking enablement for any part of any one of the sequences as being useful in antisense inhibition or sense suppression of endogenous desaturase activity in a transformed plant.

U.S. Patent No. 5,231,020, issued July 27, 1993, (copy submitted herewith), describes the use of gene fragments for co-suppression (column 8, lines 8-14):

“Normally, a sequence of greater than 50-100 nucleotides should be used, though a sequence of greater than about 200-300 nucleotides would be preferred, and a sequence of greater than 500-1000 nucleotides would be especially preferred depending on the size of the endogenous gene.”

Thus, it is clear from the '020 disclosure that a partial sequence can be used to down-regulate gene expression.

It is stated on page 21 of the specification at lines 21-27 that co-suppression refers to the expression of a foreign gene which has substantial homology to an endogenous gene resulting in the suppression of expression of both the foreign and endogenous gene. The term “substantial homology” is defined, on page 18 of the specification starting at line 31 through line 1 on page 19, as referring to nucleotide sequences have more than 90% overall identity at the nucleotide level with the coding region of the claimed sequence.

Given this, it is respectfully submitted that the specification is indeed enabling. Withdrawal of the rejection of Claims 1, 20-24, 26, 27 and 29-33 under 35 USC §112, first paragraph, as lacking enablement, is respectfully requested.

It is respectfully submitted that the claims are now in form for allowance which allowance is respectfully requested.

A Petition for a two (2) month extension of time accompanies this response.

Please charge any fees or credit any overpayment of fees, which are required in connection herewith to Deposit Account No. 04-1928 (E.I. DuPont de Nemours and Company).

Respectfully submitted,

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